

# EXHIBIT 3

**Klaiber, James R.**

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**From:** James F. McDonough, III <jmcdonough@hgdllawfirm.com>  
**Sent:** Friday, June 18, 2021 4:20 PM  
**To:** Klaiber, James R.  
**Cc:** Brian Farnan; Michael J. Farnan; Stamatios Stamoulis  
**Subject:** RE: DataCloud v. Squarespace: Motion for Judgment on the Pleadings

**CAUTION: This email was sent by someone outside of the Firm.**

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Hi Jim—I am reaching out to see if we, as counsel, can facilitate a businessperson to businessperson discussion between our respective clients (and absent the lawyers). Looking at this dispute objectively, it seems that things may soon start to get out of hand, and I thought it made sense for the parties to have a principal to principal discussion now, rather than later.

Obviously, you have filed one motion to dismiss in the *DataCloud v. Squarespace* lawsuit, and you will certainly file another, which we'll oppose. However, even if you are right in arguing that every claim, of every patent, of every family, are means plus function claims with insufficient structure—an unlikely proposition we disagree with—we both know that this argument is not ripe until claim construction. Obviously, the motion will kick the can down the road for a bit, which suits its purpose, but it has a very low chance of success on its merits. I don't say that to disparage your efforts, but instead, to focus on the big picture.

With this in mind, I think we should get the lawyers out of the way and facilitate a meeting between the business folks to see if they can work out an amicable resolution. I know the parties have not talked directly, and it may be that they are able to work something out. My client is reasonable and practical, and he has almost always been able to reach terms with companies, in and out of litigation, even if it required a creative approach.

If there is a potential business solution to this matter, the parties should explore that now before both parties are so invested that otherwise reasonable business solutions are foreclosed.

On behalf of my client, I ask that you please pass on this message to your client's business folks and let me know their response.

Thank you,  
Jim McDonough

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